IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
APPELLATE SIDE
NAGPUR BENCH, NAGPUR

District :

Criminal Writ Petition No. 390 of 2006
Bhaurao Thorat Vs. State & another

Shri N. A. Badar, Adv. for petitioner.
Shri Y. B. Mandpe, APP for State.

CORAM : K. J. ROHEE &
C. L. PANGARKAR JJ.

Dated: 27th SEPTEMBER, 2006.

Rule made returnable forthwith.

2. Heard finally by consent of parties.

3. By this petition under Article 226 of the Constitution of India the petitioner seeks to quash and set aside the order dated 12.06.06 passed by respondent No.2 rejecting his application for furlough.

4. The petitioner is a life convict. He was sentenced to suffer life imprisonment by the Sessions Court Pusad on 23.02.2005 along with his wife and two sons.

5. His application for furlough was rejected on the ground that his son Sanjay had absconded when he was released on

furlough leave. Another son of the convict namely Sandeep committed suicide when he was released on furlough. The pursis produced by the petitioner however, shows that he has got a daughter, aged about 16 years and a son aged about 10 years who are residing at Pusad and are earning their livelihood by doing labour work. Thus there appears little possibility of the petitioner absconding. In view of these circumstances the impugned order does not appear to be correct and the same requires to be quashed and set aside. We, therefore, pass the following order:

The petition is allowed. Impugned order dated 12.06.06 is hereby quashed and set aside. Respondent No.2 is directed to release the petitioner on furlough by obtaining proper surety and imposing proper conditions like attendance to the police station.

JUDGE **JUDGE**

svk